

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

BED BATH & BEYOND INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF FILING OF ORDER PURSUANT TO SECTIONS 365 AND 363 OF THE
BANKRUPTCY CODE APPROVING THE ASSUMPTION AND ASSIGNMENT
AGREEMENT WITH HOBBY LOBBY STORES, INC. (STORE NO. 1142)**

PLEASE TAKE NOTICE that on May 3, 2023, the Debtors filed *Debtors' Motion for Entry of an Order (I) Establishing Procedures to Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief* (the “Motion”) in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), authorizing and approving, among other things, (a) the Lease Sale Procedures, and (b) the Debtors’ right to consummate Lease Sales, including through Assumption and Assignment Agreements between the Debtors and the prospective assignee.

PLEASE TAKE FURTHER NOTICE that on May 22, 2023, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered the *Order (I) Establishing Procedures To Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief* [Docket No. 422] (the “Lease Sale Procedures Order”) in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), by which the

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtor’s proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

Court authorized the Debtors to conduct two Lease Sale Processes (respectively, the “Phase 1 Lease Sale Process” and “Phase 2 Lease Sale Process”) for the transfer and sale of certain Lease Assets.

PLEASE TAKE FURTHER NOTICE that on June 13, 2023, the Debtors filed *Debtors’ Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* [Docket No. 714].

PLEASE TAKE FURTHER NOTICE that on June 30, 2023, the Debtors filed Notice of Assumption of Certain Unexpired Leases [Docket No. 1157] (the “Assignment Notice”).

PLEASE TAKE FURTHER NOTICE that On September 11, 2023, the Debtors filed their *Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates* [Docket No. 2160] (the “Plan”).² On September 14, 2023, the Court entered an Order confirming the Plan (the “Confirmation Order”) [Docket No. 2172].

PLEASE TAKE FURTHER NOTICE that on September 29, 2023 (the “Effective Date”), the Debtors filed the *Notice of (I) Entry of the Order (A) Approving the Disclosure Statement on a Final Basis and (B) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates and (II) Occurrence of Effective Date* [Docket No. 2311]. Pursuant to the Plan, on the Effective Date, the Plan Administrator became the sole representative of the Wind-Down Debtors and is authorized to (i) implement the Plan and any applicable orders of the Bankruptcy Court and (ii) sell, liquidate, or otherwise dispose of any and all of the Wind-Down Debtors’ assets without additional notice to or approval of the Bankruptcy Court. *See Plan*, Articles IV.F.4, VII.A. and VII.B.

PLEASE TAKE FURTHER NOTICE that pursuant to the Plan, any Asset Sale Transaction will be either (a) conducted pursuant to the Bidding Procedures or Lease Sale Procedures, (a) approved by the Bankruptcy Court prior to the Effective Date, or (c) otherwise authorized by the Plan. *See Plan*, Article IV.F.

PLEASE TAKE FURTHER NOTICE the Plan Administrator has reviewed the Assumption and Assignment Agreement with Hobby Lobby Stores, Inc. or its designee (“Assignee”), attached to the Proposed Order as Exhibit 1 (the “Agreement”).

PLEASE TAKE FURTHER NOTICE that the Plan Administrator seeks entry of the order (the “Proposed Order”) approving the Agreement at the Court’s earliest convenience. A copy of the Proposed Order is attached hereto as Exhibit A.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan or the Agreement of Sale.

Dated: October 23, 2023

/s/ Bradford J. Sandler

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